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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,851	09/04/2003	Gerald W. Blakeley III	16813-00018	5273

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EXAMINER

PRUCHNIC, STANLEY J

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/654,851

Applicant(s)

BLAKELEY, GERALD W.

Examiner

Stanley J. Pruchnic, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005 and 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,18 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9-16,18-20,23-26 and 28 is/are rejected.
- 7) ☒ Claim(s) 7,8,21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application, by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

the declaration filed 31 October 2005 (received 02 November 2005, with a certificate of mailing) incorrectly identifies the United States provisional application for which Applicant has claimed the benefit under 35 U.S.C. Section 119(e).

Although, the provisional application serial number is correctly identified as "**60/415,909**", the filing date of the provisional application is incorrect. The filing date of the provisional application should be listed as --**10/03/02**--.

Response to Arguments

2. Applicant's arguments, see **REMARKS**, filed 06 October 2005, with respect to the rejection(s) of claims 1, 3-16, 18-26 and 28, have been considered as applied to the amended claims, but are moot in view of the new ground(s) of rejection.

3. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

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within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant's argument that HOLLANDER requires determination of the emissivity of the object being measured as part of its operation is not persuasive, since it is only optionally adjusted in order to obtain accurate results. An operator having ordinary skill in the art of temperature measurement would have been able to determine the degree to which and whether any particular emissivity setting would provide acceptably accurate results, depending upon the particular intended use, *etc.*

Claim Objections

4. Claims 7, 11, 21, 25 and 28 are FINALLY objected to because of the following informalities:

- In Claim 7, in Line 3, perhaps the phrase --at least the lens-- should be inserted before "coupled to" in order to clearly describe the invention.
- In Claim 7, in Line 3, perhaps the words --the housing-- should be inserted after "coupled to" in order to clearly describe the invention.
- In Claim 21, in Line 3, perhaps the phrase --at least the lens-- should be inserted before "coupled to" in order to clearly describe the invention.
- In Claim 21, in Line 3, perhaps the words --the housing-- should be inserted after "coupled to" in order to clearly describe the invention.
- Each of Claim 11 and Claim 25 is FINALLY objected to because of the following informalities: the phrase "and is coupled to" does not clearly indicate the elements applicant is referring to as being coupled. Is the mount coupled to the housing? Is the mount movable by the user relative to the housing? Is the optical aiming device

coupled to the housing? Is the optical aiming device movable by the user relative to the housing?

- Claim 28 is FINALLY objected to because of the following informalities: Claim 28 depends from canceled Claim 27. For consideration as to the merits, this claim has been considered to depend from Claim 19.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 3-5, 9, 14-16, 18-19, 23 and 28 are FINALLY rejected under 35 U.S.C. 103(a) as being unpatentable over HOLLANDER *et al.* (U. S. Pat. No. 6,095,682, hereinafter **HOLLANDER'682**) in view of "Portable Infrared Thermometer", Davis Instruments Catalog, Vol. 59, pp. 256-257, hereinafter **DAVIS**.

HOLLANDER'682 discloses a multimeter 1 (e.g., see Fig. 1), and further regarding claim 19, a "digital" multimeter, with non-contact temperature measurement

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capability as claimed by Applicant in Claims 1, 3-5, 9, 14-16, 18-19, 23 and 28, comprising:

a (digital) multimeter 1 contained in a housing and having outputs relating to measured electrical parameters (Col. 5, Lines 27-31);

an output display 2 (Col. 5, Lines 12-13)), and further regarding claim 19, a “digital” output display, contained in the housing, for displaying results to a user;

a non-contact optically-based (infrared) temperature sensing device (Col. 5, Lines 22-25) **built in to** (and **contained within**) the housing as claimed by Applicant in the respective Claims 1 and 19, having an output related to sensed temperature; and

circuitry (e.g., Col. 12, Lines 58-65) contained in the housing for processing both the multimeter outputs and the temperature sensing device output, and transmitting the processed output to the output display 711 as claimed by Applicant in ***Claims 1, 3 and 19***.

Regarding Claim 4: HOLLANDER’682 further discloses the multimeter with non-contact temperature measurement capability in which the temperature sensing device further comprises a lens 113, proximate the infrared sensor, for focusing entering radiation (Col. 6, Lines 19-26) and this would also inherently function as claimed for protecting the infrared sensor as claimed by Applicant.

Regarding Claim 5: HOLLANDER’682 further discloses the temperature sensing device defines a sense axis that is fixed relative to the housing, as claimed by Applicant, (Col. 5, Lines 27-31) which permits the user to aim the pyrometer towards a target.

Regarding Claims 9 and 23: HOLLANDER’682 further discloses an optical aiming device 104 coupled to the housing, to assist the user in aiming the temperature sensing device at an object whose temperature is to be measured.

Regarding Claims 14-15: HOLLANDER'682 further discloses the multimeter 901 further comprising a switch 907 (which is a user-operable electrical device; Fig. 28; Col. 15, Lines 53-62) for switching at least some of the circuitry between the multimeter outputs and the temperature sensing device output; and for selectively routing the temperature sensing device output to the circuitry.

Regarding Claim 16: HOLLANDER'682 further discloses a user-operable electrical device for selectively holding (in data logger 819, for example; Col. 15, Lines 1-6) the sensed temperature as claimed by Applicant.

Moreover, **HOLLANDER'682** discloses a multimeter 114 (e.g., see Fig. 6; and further regarding Claim 19, a “digital” multimeter) with non-contact temperature measurement capability as claimed by Applicant in Claims 1 and 16, comprising:

- a (digital) multimeter 114 contained in a housing 106 (Figs. 3-5) and having “outputs” (or “ports” at the end of leads 111A; Fig. 6; Col. 6, Lines 56-67) relating to measured electrical parameters;

- an output display 107 (and further regarding Claim 19, a “digital” output display) contained in the housing 106, for displaying results to a user;

- a non-contact optically-based (and further regarding Claim 19, “infrared”-based, “optically-based considered to include the “infrared” portion of the spectrum) temperature sensing device (Col. 6, Lines 61-67) coupled (via leads that plug into ports 115, 116) to the housing, having an output related to sensed temperature as claimed by Applicant in Claim 1 (and regarding Claim 19, HOLLANDER'682 discloses the infrared temperature sensing device within the housing (as shown in Fig. 1).

HOLLANDER'682 further discloses circuitry (e.g., Col. 6, Lines 26-33) contained in the housing 106 (Figs. 3-5; the circuitry inside the housing of the multimeter of Fig. 6) for processing both the multimeter outputs and the temperature sensing device output, and transmitting (Col. 6, Lines 56-67) the processed output to the output display as claimed by Applicant in **Claims 1, 3 and 19**. HOLLANDER'682 discloses (e.g., see Fig. 8) that

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the pyrometer can be connected to the multimeter and, alternatively, it can be integral with the multimeter (as shown in Fig. 1). Therefore, these are art-recognized equivalent options HOLLANDER'682 discloses for combining the multimeter housing and pyrometer.

HOLLANDER'682 discloses the non-contact temperature-sensing device having a control 9 for variation of the emissivity factor so that the emissivity value is adjustable from 0.1 to 1 (Col. 5, Lines 24-41). This feature is well known in the art to provide the capability of adjusting for emissivity of the surface being sensed.

HOLLANDER'682 as described above, does not disclose the non-contact temperature-sensing device is without the capability of adjusting for emissivity of the surface being sensed, and that the circuitry contained in the housing determines the sensed temperature of the surface based on the output of the temperature sensing device using a fixed emissivity value as claimed by Applicant in Claims 1 and 19, and further, **HOLLANDER'682** does not disclose the limitation in which the fixed emissivity value is about 0.95 as claimed by Applicant in Claims 18 and 28.

DAVIS discloses that is known in the art to provide a portable infrared thermometer (Raynger PM series) with an emissivity fixed value of 0.95 (e.g., Raynger Model PM-2, priced at \$745.00, providing a lower cost option, see *infra*) and alternatively, to provide the portable infrared thermometer with an adjustable emissivity value (e.g., Raynger Model PM-3, priced at \$995.00, providing better accuracy, page 256).

DAVIS further discloses that it is advantageous to provide the portable infrared thermometer with the emissivity fixed value of 0.95 in order to benefit from the lower cost.

DAVIS is evidence that ordinary workers in the field of non-contact infrared temperature measurement would recognize the benefit of providing electronics with the

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emissivity fixed value of 0.95 as taught by DAVIS for the electronics with adjustable emissivity of **HOLLANDER'682** in order to benefit from the lower cost.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute electronics providing the emissivity fixed value of 0.95 for the electronics including adjustable emissivity of **HOLLANDER'682** in order to benefit from the lower cost as taught by DAVIS.

8. Claim 13 is FINALLY rejected under 35 U.S.C. 103(a) as being unpatentable over **HOLLANDER'682** and **DAVIS** in view of AOYAMA *et al.* (U. S. Pat. No. 6,280,082, hereinafter **AOYAMA**).

HOLLANDER'682 and **DAVIS**, to summarize, discloses or suggests all the limitations as claimed by Applicant in Claim 13, as described above in Paragraph 7 as applied to Claims 1, 3-5, 9, 14-16, 18-19, 23 and 28, further including the limitation that the optical aiming device comprises a laser device (Col. 10, Lines 46-52). But **HOLLANDER'682** does not explicitly disclose the optical aiming device comprises a diode laser device as claimed by Applicant.

AOYAMA teaches it is known in the art to use a laser diode in a light projecting optical aiming device for an infrared thermometer (Col. 5, Lines 48-54; Col. 6, Line 52 - Col. 7, Line 15), e.g., "The light emitter 13 includes a laser diode or the like, and outputs a laser beam in a visible spectrum along an optical axis L2. The condenser lens 14 makes the visible light output from the light emitter 13 parallel with the optical axis L2."

AOYAMA is evidence that ordinary workers in the field of aiming systems for infrared temperature measuring devices would recognize the benefit of using a diode laser as taught by AOYAMA for the laser of **HOLLANDER'682** in order to enable pulsed operation providing lower average luminance level for safety but higher brightness for visibility (Col. 6, Line 52 - Col. 7, Line 15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a laser diode for the laser of HOLLANDER'682 in order to provide higher visibility with safety as taught by AOYAMA

9. **Claims 6 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **HOLLANDER'682** and **DAVIS** in view of **ANDERSON et al.** (U. S. Pat. No. 4,045,670, hereinafter **ANDERSON**).

HOLLANDER'682 and **DAVIS**, to summarize, discloses or suggests all the limitations as claimed by Applicant in **Claims 6 and 20** as described above in Paragraph 7 as applied to Claims 1, 3-5, 9, 14-16, 18-19, 23 and 28 including a temperature sensing device contained within the housing (as claimed by Applicant in Claim 19) having a sense axis directed toward the IR sensing element (detector). **HOLLANDER'682** does not explicitly disclose that the sense axis is **adjustable** relative to the housing, as claimed by Applicant in **Claims 6 and 20**.

ANDERSON discloses IR detector 49 (See Figs. 1-2), mounted in a bracket (in phantom in Fig. 1) by a screw, as shown in Fig. 2. **ANDERSON** discloses or suggests that the sensing axis of the IR detector 49 is directed through the center of lens 19 by means of dichroic mirror 47 (Col. 3, Lines 5-24), and parallel to the housing cover 13.

In normal use, all these optical components will be fixed in their aligned positions. However, each of the components is required to be aligned, at least during the construction/assembly of the device. Ordinary workers in the field of infrared temperature sensors would recognize the benefit of using, e.g., a rotatably coupled adjustable mount (such as a screw in a bracket as shown by **ANDERSON**) for coupling the IR detector to the housing in order to align the optics at least during the assembly of the device. These features are known in the art to enable re-alignment after the device has been in use, since optics may be jarred use by rough handling of the device, etc.

ANDERSON is evidence that ordinary workers in the field of infrared temperature sensors would recognize the benefit of using an adjustable mount for coupling the IR

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detector to the housing as suggested by ANDERSON for the IR detector and housing of HOLLANDER'682 in order to adjustably align the sensing axis to be parallel to the housing cover 13 to enable re-alignment after the device has been in use, as is commonly done in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute an adjustable mount for the IR detector forming the sense axis of HOLLANDER'682 in order to provide for re-adjustment of aiming of the sense axis relative to the housing of the device after the device has been in use, as suggested by ANDERSON.

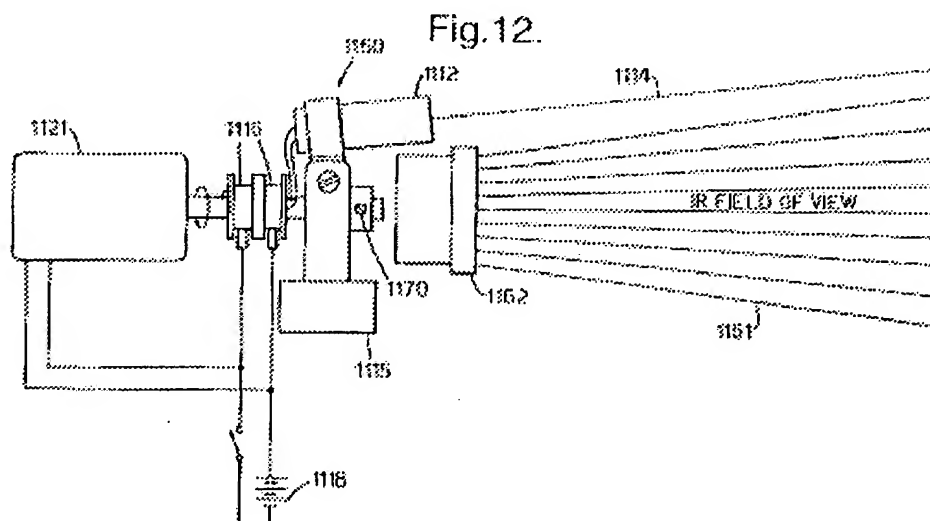
10. Claims 10-12 and 24-26 are FINALLY rejected under 35 U.S.C. 103(a) as being unpatentable over **HOLLANDER'682** and **DAVIS** in view of US 6267500 B1 (HOLLANDER; Milton Bernard *et al.*, hereinafter **HOLLANDER'500**).

HOLLANDER'682 and **DAVIS**, to summarize, discloses or suggests all the limitations as claimed by Applicant in Claims 10-12 and 24-26 as described above in Paragraph 7 as applied to Claims 1, 3-5, 9, 14-16, 18-19, 23 and 28, including an optical aiming device comprising a laser (e.g., see Figs. 1, 2C; and Col. 16, Lines 23-33) which defines an aiming axis. **HOLLANDER'682** further discloses that the laser is ***mounted in a mount (sighting means 805; Fig. 29) that projects outwardly from the housing, and is coupled to*** the housing ***and movable*** by the user relative to the housing. **HOLLANDER'682** does not explicitly disclose that the aiming axis defined by the laser is ***adjustable*** relative to the housing as claimed by Applicant in Claims 10 and 24;

HOLLANDER'682 does not explicitly disclose that the optical aiming device ***mount 805*** is movable by the user relative to the housing in order to allow the user to aim the optical aiming device as claimed by Applicant in Claims 11 and 25; and

HOLLANDER'682 does not explicitly disclose that the optical aiming device mount is *rotatably coupled to the housing* as claimed by Applicant in Claims 12 and 26.

HOLLANDER'500 discloses an adjustable beam alignment system for a non-contact infrared temperature-measuring unit, including (e.g., See Figs. 11-13) a laser adjustable relative to the housing, i.e., Laser 1112 in Fig. 12 (see below). The laser 1112 is in a mount that is rotatably (about pivot 1120) coupled to and movable relative to the housing of the infrared temperature-measuring unit, which functions to make the aiming axis (laser beam 1114 in Fig. 12; and 1014 in Fig. 11) *adjustable* relative to the housing, for example, by adjusting screws 1011 and 1013 (Col. 10, Lines 45-61; with respect to Fig. 12).



HOLLANDER'500 further discloses that it is advantageous to adjust the aiming axis in order to benefit from projecting the laser beam around the periphery of the infrared field of view in order to more accurately aim the temperature sensor at the target area of interest.

HOLLANDER'500 is evidence that ordinary workers in the field of infrared temperature measuring devices would recognize the benefit of using the adjustable aiming device including mount rotatably coupled to the housing as taught by **HOLLANDER'500** for the laser aiming system of HOLLANDER'682 in order to more accurately aim the temperature sensor at the target area of interest.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the adjustable aiming device including the mount rotatably coupled to the housing for the laser aiming system of HOLLANDER'682 in order to more accurately aim the temperature sensor at the target area of interest as taught by **HOLLANDER'500**.

Anyone perform the functions as described above would be considered the "user" of the device as claimed by Applicant.

Allowable Subject Matter

11. Claims 7-8 and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or fairly suggest a multimeter with non-contact temperature measurement capability wherein at least the lens is mounted in a mount that projects outwardly from the housing and at least the lens is coupled to the housing and movable by the user relative to the housing, to allow the user to aim the temperature sensing device sense axis. Because none of the prior art teaches or suggests this element, this feature, taken together with the other limitations of the claims renders the claims allowable over the prior art.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in a form PTO-892 and not mentioned above disclose related temperature measurement devices and methods

- **Fujima** (US 5860740) teaches having predetermined values of emissivity;
- **Christol et al** (US 4634294) requires an emissivity input;
- U. S. Patents 4743122 and RE34507 disclose peak hold circuits;
- U. S. Patent 4986672 discloses structure forming a sense axis and discloses use of a predetermined emissivity; and
- U. S. Patents 5836694 (**NGUYEN**) and 6234669 (**KIENITZ et al.**) disclose laser-aiming structures, and, in particular, NGUYEN is relevant to adjusting a laser aiming assembly of an IR thermometer.
- **Mack** (US 4896281 A) teaches that it is known in the art for non-contact thermal imagers to lack adjustment controls for correction of temperature readings due to emissivity of the target surface.
- **Nagasaka et al** (US 4,773,766 A) discloses a radiation thermometer may include an assembly of a non-contact temperature detector and a data recorder which are separable from each other or a combination which can be electrically connected (Col. 8, Lines 4-9).
- **MICHALSKI et al.** (Temperature Measurement, published by Wiley and Sons, pages 152-180, (1991), **MICHALSKI**) disclosed a total radiation pyrometer (the Compac 3 of Land Ltd) including measuring modes, wherein the readings are digitally displayed with a preset value for the emissivity.
- US 5460451 A (**WADMAN**) disclosed "[a] pyrometer measures the temperature of an object by measuring the quantity of thermal radiation from an object surface and convey[ing] it into a temperature of the surface. The relation between the quantity of thermal radiation and the temperature is dependent, *inter alia*, on the emissivity of the surface." WADMAN teaches that emissivity correction is necessary in the case of varying emissivity of the target surface: For a correct determination of the temperature it is necessary to know the emissivity value, but that "[i]n many processes in which temperatures are measured, reasonably

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invariable conditions prevail, such as, for example in ovens, and the emissivity has a constant value. Consequently, its value is to be determined only once."

- US 4986672 A (**BEYNON**) discloses (Col. 4, Lines 12-21) "The target radiance signal V_1 is fed to an emissivity correction circuit 29 to which is also fed a predetermined emissivity value (ϵ), the circuit multiplying the incoming signal by $1/\epsilon$ in order to compensate for target emissivity."
- US 5352039 A (**BARRAL**; Jean-Pierre *et al.*) discloses an optical aiming device in a mount rotatably coupled to the housing.

Newly cited prior art:

- US 4315150 A (Darringer; Richard E. *et al.*) discloses a targeted infrared thermometer.
- US 4087689 A (Asawa; Charles K.) discloses a boresighting system for infrared optical receiver and transmitter.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stanley J. Pruchnic, Jr., whose telephone number is **(571) 272-2248**. The examiner can normally be reached on weekdays (Monday through

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Friday), the best hours being from 8:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez (Art Unit 2859) can be reached at **(571) 272-2245**. The Central FAX Number for all official USPTO communications is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding may be directed to the official USPTO website at <http://www.uspto.gov/> or you may call the **USPTO Call Center** at **800-786-9199** or 703-308-4357. The Technology Center 2800 Customer Service FAX phone number is (703) 872-9317.

The cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources.

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**DIEGO F. F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800**



Stanley J. Pruchnic, Jr.
12/20/05